

Council of Europe
The Secretary General

Strasbourg, 8 July 2020

Dear General Secretaries,

Thank you for your letter of 17 June, which I have read with great attention and interest. From the outset of the pandemic, I have been following very closely the issues you mention. I have also addressed to the governments of member states of the Council of Europe a toolkit for dealing with the sanitary crisis in a way that respects the fundamental values of human rights, democracy and the rule of law.

As you rightly point out, the Council of Europe Commissioner for Human Rights and other Council of Europe bodies and institutions have also been following these issues.

Among them, the European Committee of Social Rights adopted in April a statement of interpretation on the right to protection of health (Article 11 of the European Social Charter) in times of pandemic. The Committee is expected to issue a further and broader statement of interpretation addressing many of the issues you raise, including the right to safe and healthy working conditions (Article 3 of the Charter); the right to social security (Article 12); the right to social and medical assistance (Article 13); the rights of persons with disabilities (Article 15); and the rights of the elderly (Article 23).

As regards your request for investigation in this field, I would like to inform you that the European Committee of Social Rights will examine a number of COVID-19 related issues in 2021 under the reporting system provided for by the European Social Charter, following questions submitted to States Parties to the Charter in 2020. Trade unions and civil society organisations can submit comments on national reports in the framework of this procedure. They can also make collective complaints and intervene as third parties in any proceedings lodged against the countries which have accepted the collective complaints procedure.

You also rightly refer to the European Convention on Human Rights, which entails material and procedural obligations to protect life (Article 2) and prevent ill-treatment (Article 3) and may be invoked in respect of severely ill patients, people with disabilities or elderly persons. As I pointed out in my toolkit, all Council of Europe member states have a legal obligation to implement the Convention and the national courts, and ultimately the European Court of Human Rights, are responsible for overseeing its implementation.

././.

Mr Agostino Siciliano
General Secretary
European Federation of Retired and Elderly People

Mr Jan Willem Goudriaan
General Secretary
European Public Service Union

F - 67075 Strasbourg Cedex
France

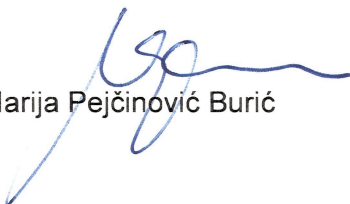
Tel. + 33 (0)3 88 41 20 51
+ 33 (0)3 88 41 20 00

Fax: + 33 (0)3 88 41 27 99
+ 33 (0)3 88 41 27 40

Finally, the Council of Europe is carrying out a broad range of activities aimed at fostering effective implementation of these and other standards. Many of them have been adapted to take into account the lessons learned from the COVID-19 pandemic. The Organisation will continue its work in this sense within the framework of the Greek Chairmanship of the Committee of Ministers, the main theme of which is: "Protection of human life and public health in the context of a pandemic – Effectively responding to a sanitary crisis in full respect for human rights and the principles of democracy and the rule of law".

I will share your letter with other relevant Council of Europe entities, in addition to those you to whom you addressed your letter.

Yours sincerely,



Marija Pejčinović Burić

*F - 67075 Strasbourg Cedex
France*

*Tel. + 33 (0)3 88 41 20 51
+ 33 (0)3 88 41 20 00*

*Fax: + 33 (0)3 88 41 27 99
+ 33 (0)3 88 41 27 40*